

no undue burden to search the application as presented. Accordingly, it is respectfully submitted that the election requirement should be withdrawn and an action on the merits is respectfully requested. Should the Restriction Requirement be made final, Applicant expressly reserves the right to represent the non-elected claims in a divisional application, if necessary.

In conjunction with this election, Applicants offer the following remarks in support of its traversal:

According to M.P.E.P. §803, there are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (1) The inventions must be independent or distinct as claimed; **and**
- (2) There must be serious burden on the examiner if restriction is not required.

Applicant respectfully submits that: (1) all groups of restricted claims are properly presented in the same application; (2) undue diverse searching would not be required; and (3) all claims should be examined together.

The Examiner has not shown that examination of all the pending claims would require undue searching and/or place a serious burden on the Examiner, which is the required showing for proper issuance of a restriction requirement. Applicant respectfully traverses the requirement for restriction at least on the grounds that searching any of these groups of inventions would not be unduly burdensome. In fact, such action would be necessary to ensure a complete and exhaustive search for a proper examination on the merits of all of the identified alleged Groups of Inventions.

Accordingly, Applicant respectfully submits that the Requirement for Restriction is improper for at least this reason, and requests that the Restriction Requirement be withdrawn

PATENT

Application Serial No. 09/839,451
Response to Restriction Requirement dated August 8, 2005
Docket No. 4232-4002

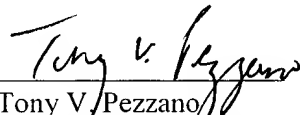
and the filed claims be examined on the merits. In the event that a telephone conference would facilitate examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided. Although no extensions of time are believed necessary for the timely consideration of this Response, Applicants hereby petition for any extensions of time as deemed necessary by the Commissioner. Furthermore, the Commissioner is hereby authorized to charge any fees which may be required to Deposit Account 13-4500, order no. 4232-4002. A duplicate of this sheet is attached.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,

Dated: August 1, 2005

By:


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